

In re RICHMOND HEALTH CARE, INC.

Bankruptcy Nos. 98-25060-BKC-AJC, 98-25061-BKC-AJC

Adv. No. 98-2370-BKC-AJC-A

(Cite as: 243 B.R. 899)

In a previous chapter 11 case the Debtor commenced several adversary proceedings against the Commonwealth which were resolved by the parties entering into a settlement agreement. Debtor filed a Motion to Reject the Settlement Agreement as an Executory Contract. The Commonwealth objected on jurisdictional grounds. The Court held that as a result of the Commonwealth filing timely proofs of claims against the Debtor's estate in the prior case and participating in litigation with the Debtor that led to the settlement agreement, the Commonwealth effectively waived its sovereign immunity and that waiver was applicable to the instant jointly administered cases.